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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/322,720	05/28/99	LYNESS	S 10835/002001
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EXAMINER

HUYNH, C

ART UNIT

PAPER NUMBER

2176

DATE MAILED:

09/28/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No.

09/322,720

Applicant(s)

LYNESS, STANLEY W.

Examiner

Cong-Lac Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 July 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 12-14, 18-52 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 is/are allowed.
- 6) ☒ Claim(s) 9-11 and 15-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. This action is responsive to communications: election and amendment filed on 07/13/01 to the application filed on 05/28/99.
2. Applicant's election of Group I (claims 1-11 and 15-17) in Paper No. 9 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
3. Claims 1-52 are pending the case. Claims 1-11, and 15-17 are being considered. Claims 1, 6, 9, 15 are independent claims.
4. The rejections of claims 1 and 8 under 35 U.S.C. 112, second paragraph, as being indefinite have been withdrawn in view of the amendment.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 9-11, 16-17 remain rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding independent claim 9, Applicants amended the claim by changing "container" to "outline."

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It is not appropriate since it is not consistent with the disclosure of the invention wherein the specification uses the term "container" (specification, page 4, lines 1-15).

Claims 10-11 are also rejected for being dependent on independent claim 9.

Regarding claims 16 and 17, which are dependent on claim 15, as defined in the claims, the first type of action is dragging, and the second type of action comprises clicking and releasing.

It is not reasonable since users have to *click* on an object to *drag* said object to a desired position first and then *releases* the mouse at the desired position.

This feature is also disclosed in the specification (page 28, lines 28 to page 29, lines 1-18).

Therefore, it is suggested to correct the first type of user-interface action be clicking and dragging, and the second type of user-interface action be releasing.

Claim 15, therefore, is not reasonable since the first type of action should be performed both *within* the displayed representation of the portion of hierarchy of nodes (clicking) and *outside* the displayed representation of the portion of hierarchy of nodes (dragging).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 15-17 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Theisen et al. (US Pat No. 5,877,775, 3/2/99, filed 8/6/97).

Regarding independent claim 15 and dependent claims 16 and 17, Theisen discloses:

- displaying a representation of a portion of a hierarchy of nodes to a user (figures 7A-B)
- enabling a user to navigate in the displayed representation of the portion of the hierarchy by a type of *user-interface* action, which is clicking, and *allowing, by a type of user-interface action the selection of any currently represented node*, which is dragging (figure 15, user clicks and drags on container label; col 8, lines 22-27)
- *reporting each selected node to an application to invoke node-specific behavior in the application, the node specific application being other than generating a representation of the hierarchy, and the application being other than the graphical user interface used to represent the hierarchy* (figure 14B, step 328, *calculate position of stick* at the point that its label would be visible, which is a node-specific behavior in the application being other than generating a representation of a hierarchy)
- enabling a user to trigger the action associated with a displayed node of the hierarchy by invoking the node using a type of action, which is dragging (figure 15, user clicks and drags on container label; col 8, lines 22-27)

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Theisen does not disclose a second type of action comprising releasing. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have known that actions such as clicking and dragging are always accompanied with releasing action to complete a dragging action.

9. Claims 9-11 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Dolan et al. (US Pat No. 5,801,702, 9/1/98, filed 3/9/95).

Regarding independent claim 9, Dolan discloses for a node in a hierarchy of nodes:

- rendering a container associated with the node and a representation of information associated with the node, the container having dimensions that change with an amount of space dynamically allocated to the node based on a changing focus in the hierarchy (figures 2, 8B-C, 11A-C)
- drawing the container and the representation on a display (figures 1-2) , and when the focus changes,
- re-rendering the container with updated dimensions and drawing the container on the display (figures 11A-C)

Dolan does not explicitly disclose the copying the rendered representation to a new location without re-rendering *and does not use the same terminology "the outline."*

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have recognized that the copying of the rendered representation to a new

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location is merely the same as the re-rendering of the representation when the focus changes.

*Since the container in Dolan includes the names of links which are the short description of the detail data, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have realized that in some point when a container is expanded, the container represents an outline.*

Regarding claims 10 and 11, which are dependent on claim 9, Dolan discloses that the drawn container indicates the node's position in the hierarchy, its relationship to nearby nodes and the representation including graphics or text or both (figure 2).

#### ***Allowable Subject Matter***

10. Claims 1-8 are allowed.

11. The following is a statement of reasons for the indication of allowable subject matter: identifying a node in a space of a hierarchy of nodes in two ways: (a) in terms of levels of a hierarchy using a node level value and a node-in-level value, and (b) in terms of its position in a two-or-more dimensional space using the depth value and the position-in-level value where the depth value includes the node level value and an offset and where the position-in-level value includes a node-in-level value and an offset, and receiving an indication of an action received at any arbitrary position within the display of an area at a given time where the area is divided into subareas associated with a

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node in the hierarchy of nodes, was not disclosed or suggested over the prior art of record.

### ***Response to Arguments***

12. Applicant's arguments filed 7/19/01 have been fully considered but they are not persuasive.

Applicants amended claim 15 in response to the 112 USC, second paragraph Examiner applied to claims 16 and 17 in the previous office action.

However, the issue is not in claim 15 and the amendment of claim 15 does not resolve the concern. The issue is in claims 16 and 17.

Claim 16 states that the first type of action comprises *dragging*. Claim 17 states that the second type of action comprises *clicking and releasing*.

It is not appropriate by convention and according to the specification of the invention.

By convention, a user has to click (using a mouse) on an object before dragging said object to a desired position and release the mouse at said position.

The specification also discloses that feature (page 28, lines 28 to page 29, lines 1-18).

Therefore, it is suggested that Applicants correct claims 16 and 17.



***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Weinberg et al. (US Pat No. 6,144,962, 11/07/00, filed 4/11/97) teaches a visualization of web sites and hierarchical data structures.

Bowers et al. (US Pat No. 5,546,529, 8/13/96, filed 7/28/94) teaches a method and apparatus for visualization of database search results.

Dommety et al. (US Pat No. 6,078,575, 6/20/00, filed 6/26/97) teaches a mobile location management in ATM networks.

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Green (US Pat No. 6,204,850 B1, 3/20/01, filed 4/7/98) teaches a scaleable camera model for the navigation and display of information structures using nested, bounded 3D coordinate spaces.

Tachibana et al. (US Pat No. 6,219,053 B1, 4/17/01, filed 6/30/98) teaches an icon display and method which reflect the intuitive perspective or correlation between icons which have hierarchical relationships.

Uppala (US Pat No. 6,279,007 B1, 8/21/01, filed 11/30/98) teaches an architecture for managing query friendly hierarchical values.

Ng et al. (US Pat No. 6,285,366 B1, 9/4/01, filed 6/30/98) teaches a hierarchy navigation system.

Aggarwal et al. (US Pat No. 6,289,354 B1, 9/11/01, filed 10/7/98) teaches a system and method for similarity searching in high-dimensional data space.


15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 703-305-0432. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-9731 for regular communications and 707-305-9731 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9000.

clh  
9/20/01



STEPHEN S. HONG  
PRIMARY EXAMINER